

Application Serial Number: 09/695,216
1.111 Amendment dated March 4, 2004
Reply to Office Action dated November 4, 2003

Attorney Docket Number: 4421-4001

REMARKS

The above Amendment and the following remarks are responsive to the Office Action dated November 4, 2003. The Applicant requests entry of this Amendment, favorable reconsideration of this case, and early issuance of a Notice of Allowance.

Status of the Claims

Upon entry of this Amendment, claims 1-2, 5-8, 11-13, 25, 27-28, 37, 39-40, 48, 50, 52-53, 55-56, 59-61, 64-66, and 69 have been rewritten. Thus, claims 1-69 are pending in the application. Claims 1, 6, 7, 25, 37, 48, 50, 53, 55, 60, and 65 are independent claims.

Response to the Claim Objections

The Examiner objected to claims 6 and 8 as including several occurrences of informal language. The Examiner notes that the limitations of claim 6 recite "to a at least" and "contents of said said at least" and that the limitations of claim 8 recite "wherein a client client uses". In response, the Applicants have amended claims 6 and 8 to clarify these informalities.

Response to the Rejections under 35 U.S.C. § 112 (second paragraph)

The Examiner rejected claim 11 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. The Examiner indicates that in claim 11 the limitation "clean traffic data sample" is unclear.

In response, the Applicants have rewritten claim 11. Claim 11, as presently claimed, does not recite the limitation "clean traffic data sample". To clarify the recitation of the limitation "clean traffic data sample" the Applicants amended independent claim 7 to recite "clean traffic data" and describes that masking the user identification data produces the "clean traffic data". The Applicants assert that the specification provides proper support for claims 7

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and 11, as presently claimed, on page 9, lines 9-12 and on page 11, lines 3-9. This portion of the specification pertains to the disclosure of "traffic analysis system 210", "anonymity system 310", and the discussion of Figures 2 and 3.

The Applicants believe that claim 11, as presently claimed, is allowable because the claim is definite, particularly point out and distinctly claim the subject matter that the Applicants regard as the invention, and has proper antecedent basis. Thus, the Examiner should withdraw this rejection as to claim 11.

Response to the Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-69 under 35 U.S.C. § 103(a) as being unpatentable over Bull et al., United States Patent Number 5,995,943 (hereinafter "Bull") in view of Lee et al., United States Patent Number 6,601,100 (hereinafter "Lee"). The Applicants respectfully traverse these rejections.

BULL

Bull discloses an information aggregation and synthesization system and process. Specifically, Bull discloses a system connecting a network interface device and a plurality of local or network accessible datastores. Data passing between the network interface device and the datastores, is accessed, polled, and retrieved through an intermediary gateway system. The aggregated information is then synthesized, customized, personalized, and localized to meet the information resource requests specified by the user via the network interface device.

LEE

Lee discloses a network monitor that includes a server system on a network that aggregates and stores information about the content on the Web pages served by a server on the network. A server process receives requests for Web pages from requesters connected to the

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network. For each request, the server produces a requested Web page and serves the Web page to the requester. Each Web page includes content and metadata. The system also creates and maintains a log having an entry for each Web page. The entry contains the metadata fields and an identification of the requester.

PRESENTLY CLAIMED INVENTION

Independent claims 1, 6, 7, 25, 37, 48, 50, 53, 55, 60, and 65, as presently claimed, recite a system for estimating the prevalence of digital content on a network. The presently claimed system includes an estimating device, an anonymizing device, a sampling device, and an accessing device. The estimating device receives traffic data from at least one Web site on the network. The anonymizing device locates user identification data in the traffic data, masks the user identification data to produce clean traffic data, and stores the clean traffic data in a database. The sampling device stores summarization data that describe each occurrence of digital content in the clean traffic data. The accessing device presents the clean traffic data and the summarization data to a user.

Bull discloses a system that aggregates and synthesizes traffic data, but fails to disclose an anonymizing device that removes information from the traffic data that may identify a particular user on the network and stores the clean traffic data. Thus, Bull taken alone does not teach or suggest the Applicants presently claimed system for estimating the prevalence of digital content on a network.

To make-up for the shortcomings of Bull, the Examiner relied, in general, upon the network monitoring art and, in particular, the disclosure in Lee to show removing URL and user data. Lee discloses that the server process retrieves a Web page that contains metadata (i.e., "a description of the Web page itself and/or its content such as hyperlinks embedded in the Web

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page"). Lee further discloses a logger process that extracts the metadata attached to the Web page and stores it in a record in a log file along with some information about the Web requester who made the respective Web page request. Lee also discloses that the logger process may remove the metadata from the Web page so that the server process sends to the requester only the Web page without its metadata.

However, the disclosure in Lee of the metadata and the logger process does not teach or contemplate, as presently claimed, removing user identification information from the traffic data and storing the clean traffic data. Lee teaches, after removing the metadata, that the logger process stores in a log file a record that includes a requester field. But, as Figure 4 in Lee depicts, the requester field includes information such as IP address, cookie, session identifier, and visitor classification. Furthermore, Lee differentiates the metadata and the data in the requester field. Since Lee does not disclose removal of the data in the requester field, the removal of the metadata must not include removal of user identification data. Thus, the combination of Bull and Lee does not teach or suggest the Applicants presently claimed system for estimating the prevalence of digital content on a network.

Finally, Lee does not disclose a system for storing traffic data collected from a network and for storing summarization data obtained by sampling the traffic data. Thus, the Lee taken alone does not teach or suggest the Applicants presently claimed system for estimating the prevalence of digital content on a network.

Independent claims 1, 6, 7, 25, 37, 48, 50, 53, 55, 60, and 65, as presently claimed, recite a system for estimating the prevalence of digital content on a network. For the previously stated reasons, Bull and Lee, taken either alone or in combination do not teach or suggest the Applicants presently claimed system for estimating the prevalence of digital content on a

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network. Thus, the Applicants respectfully submit that the Examiner should withdraw these rejections as to independent claims 1, 6, 7, 25, 37, 48, 50, 53, 55, 60, and 65.

Claims 2-5, 8-24, 26-36, 38-47, 49, 51-52, 54, 56-59, 61-64, and 66-69 depend from either independent claim 1, 6, 7, 25, 37, 48, 50, 53, 55, 60, or 65. For the previously stated reasons, independent claims 1, 6, 7, 25, 37, 48, 50, 53, 55, 60, and 65 are allowable. Since any claim that depends from an allowable independent claim is also allowable, the Applicants respectfully submit that the Examiner should also withdraw these rejections as to dependent claims 2-5, 8-24, 26-36, 38-47, 49, 51-52, 54, 56-59, 61-64, and 66-69.

Subsequent Office Action Cannot be Final

In the Office Action, the Examiner rejects claim 11 under 35 U.S.C. § 103(a), but does not specify how the prior art renders unpatentable the limitations of claim 11. This amendment rewrites claims 7 and 11 to clarify the recitation of "clean traffic data" and to describe that masking the user identification data produces the "clean traffic data". Thus, the Applicants respectfully assert under MPEP § 706.07(a) that the Examiner cannot make a subsequent action on the merits final because a specific rejection of claim 11 would be a new ground of rejection.

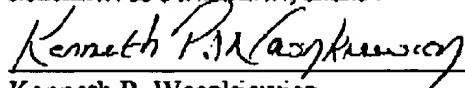
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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for timely consideration of this Amendment under 37 C.F.R. §§ 1.16 and 1.17, including any extension of time, or credit any overpayment to Deposit Account Number 13-4500, Order Number 4421-4001.

Respectfully submitted,
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